



Atty Docket No. 080398.P426

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:) Examiner: Alam, Shadhid Al
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 Hawley K. Rising III) Art Unit: 2162
))
Application No. 09/905,524) Confirmation No.: 3479
))
Filed: July 13, 2001))
))
For: A METHOD AND APPARATUS)
FOR PROVIDING MULTIPLE)
LEVELS OF ABSTRACTION IN)
DESCRIPTIONS OF AUDIO-)
VISUAL CONTENT))

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2162 for the above referenced patent application. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the full interest in the invention, Sony Electronics Inc of Park Ridge, New Jersey and Sony Corporation of Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1-22 are pending in the application and were rejected in a final Office Action mailed September 9, 2005. Claims 1-22 are the subject of this appeal. A copy of Claims 1-22 as they stand on appeal are set forth in the Claims Appendix.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the Office Action on September 9, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1-22 electronically evaluates a description of audiovisual content to determine whether the description is an abstraction. If the description is an abstraction, a level of abstraction is determined and an indicator of the level is stored with the description. The level of abstraction identifies the description as a particular type of abstraction. The indicator may subsequently be used to search for stored descriptions at a particular abstraction level [Specification: page 8, line 19 through page 9, line 23; Figure 1] Claims 1-9 recite a computerized method that is illustrated in Figure 2 and described on page 10, line 1 through page 11, line 8. Dependent claim 10 claims searching the stored descriptions using a level of abstraction [page 11, lines 9-12] Claim 11 claims the invention under 35 U.S.C. § 112, paragraph 6 as an electronic system corresponding to the data processor 130 of Figure 1, which carries out the processes illustrated in Figure 2 [page 8, line 10 through page 9, line 7; page 10, line 1 through page 11, line 8]. Claims 12-21 recite a computer system as illustrated in Figure 1 [page 8, line 19 through page 9, line 23]. Claim 22 claims the method of Figure 2 as embodied in a computer-readable medium [page 10, line 1 through page 11, line 8; page 7, lines 12-18].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1-22 stand rejected under 35 U.S.C. § 103 over the Admitted Prior Art in view of U.S. Patent 6,223,183 to Smith, et al.

VII. ARGUMENTS

I. Claims 1-22 are Patentable under 35 U.S.C. § 103 over the combination of the Admitted Prior Art and Smith.

Claims 1-22 stand or fall together. Claim 1 is the representative claim. Claim 1 claims an computerized method that determines whether an audiovisual content description is an abstraction and, if so, determines a level of the abstraction and stores an indicator of the level of abstraction with the description. Claim 1 further claims that the level of abstraction identifies the type of abstraction.

The Examiner asserts that the Appellant's background section (the Admitted Prior Art) discloses determining whether the description is an abstraction and determining a level of the abstraction, with the level identifying the type of abstraction as claimed. The Examiner asserts that Smith discloses storing an indicator of the level of abstraction with the description as claimed. Appellant respectfully submits that the Examiner is mistaken on both counts.

While Appellant's background section describes audiovisual descriptions and abstractions in general, the background section do not teach or suggest that abstraction levels could be determined electronically or that types of abstractions could be identified electronically as claimed in claim 1. Indeed, the background section concludes with the following sentence:

However, no mechanism currently exists to indicate that a description is an abstraction and to identify the type of the abstraction (i.e., whether the description is a media abstraction, a lambda abstraction, a metaphor, etc.), thereby complicating a task of creating new descriptions from existing descriptions.

Thus, the Examiner's interpretation of the Admitted Prior Art as disclosing these elements of claim 1 is incorrect.

With regard to Smith, Smith teaches space and frequency views that correspond to different aspects of an image. The space and frequency views are indexed so that a user can quickly access a particular space and frequency view for an image. The Examiner is equating Smith's space and frequency view with Appellant's claimed abstraction level. However, Smith discloses only one abstraction level, the space and frequency view, and thus does not need to store an indicator of the abstraction level as claimed. Moreover, Smith's view index cannot be properly interpreted as equivalent to Appellant's claimed indicator because Smith's index identifies a particular space and frequency view but does not indicate an abstraction level.

Accordingly, Appellant respectfully submits that the combination does not teach or suggest each and every limitation of Appellant's invention as claimed in claim 1, and therefore the combination of the Admitted Prior Art and Smith cannot render obvious Appellant's invention as claimed in claims 1-22.

VIII. CONCLUSION

Because the Examiner has failed to establish a *prima facie* case of obviousness with regard to claims 1-22, Appellant respectfully requests the Board reverse the rejections of claims 1-22 under 35 U.S.C. § 103. Applicant further respectfully request the Board direct the Examiner to enter a Notice of Allowance for claims 1-22.

Fee for Filing a Brief in Support of Appeal

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
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Dated May 14, 2006, 2006


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**CLAIMS APPENDIX FOR
APPELLANT BRIEF UNDER 37 C.F.R. § 41.37**

1. (Previously presented) A computerized method for processing descriptions of audiovisual content, the method comprising:

evaluating a description of audiovisual content;
determining whether the description is an abstraction; and
if the description is an abstraction,
determining a level of abstraction, wherein the level of abstraction identifies one of plurality of types of abstraction, and
storing an indicator of the level of abstraction with the description of audiovisual content.

2. (Original) The method of claim 1 wherein the description of audiovisual content is a semantic description.
3. (Original) The method of claim 1 further comprising utilizing the indicator of the level of abstraction to determine a usage mode of the description of audiovisual content.
4. (Original) The method of claim 3 wherein the usage mode is any one of a descriptive mode or an accessing mode.
5. (Original) The method of claim 1 further comprising utilizing the indicator of the level of abstraction to determine whether the description of audiovisual content is a media abstraction.
6. (Original) The method of claim 1 further comprising utilizing the indicator of the level of abstraction to determine whether the description of audiovisual content is a lambda abstraction.
7. (Original) The method of claim 1 wherein the indicator of the level of abstraction includes a positive integer to store a number associated with the level of abstraction.
8. (Original) The method of claim 7 wherein the indicator further includes a term to point to one of a plurality of entries in a classification scheme, the one of the plurality of entries being defined by the abstraction.
9. (Original) The method of claim 1 wherein the description of the audiovisual content is a description scheme.
10. (Original) The method of claim 1 further comprising searching a database of descriptions using a level of abstraction specified by a user.

11. (Previously presented) An electronic system for processing descriptions of audiovisual content, the system comprising:

means for evaluating a description of audiovisual content ;

means for determining whether the description is an abstraction;

means for determining a level of abstraction if the description is an abstraction, wherein the level of abstraction identifies one of plurality of types of abstraction; and

means for storing an indicator of the level of abstraction with the description of audiovisual content upon determining the level of abstraction.

12. (Previously presented) A computer system comprising:

a description processor to determine that a description of audiovisual content is an abstraction and to calculate an abstraction level for the description, wherein the abstraction level identifies one of plurality of abstraction types; and

a data depository to store the description with an indicator of the abstraction level.

13. (Original) The system of claim 12 wherein the description of audiovisual content is a semantic description.

14. (Original) The system of claim 12 wherein the indicator of the abstraction level defines a usage mode of the description.

15. (Original) The system of claim 14 wherein the usage mode is any one of a descriptive mode or an accessing mode.

16. (Original) The system of claim 12 wherein the indicator of the abstraction level indicates whether the description of audiovisual content is a media abstraction.

17. (Original) The system of claim 12 wherein the indicator of the abstraction level indicates whether the description of audiovisual content is a lambda abstraction.

18. (Original) The system of claim 12 wherein the indicator of the level of abstraction includes a positive integer to store a number associated with the level of abstraction.
19. (Original) The system of claim 18 wherein the indicator further includes a term to point to one of a plurality of entries in a classification scheme, the one of the plurality of entries being defined by the abstraction.
20. (Original) The system of claim 12 wherein the description of the audiovisual content is a description scheme.
21. (Original) The system of claim 12 further comprising a search module to search the data repository using a level of abstraction specified by a user.
22. (Previously presented) A computer readable medium that provides instructions, which when executed on a processor, cause said processor to perform operations comprising:
 - evaluating a description of audiovisual content;
 - determining whether the description is an abstraction; and
 - if the description is an abstraction,
 - determining a level of abstraction, wherein the level of abstraction identifies one of plurality of types of abstraction, and
 - storing an indicator of the level of abstraction with the description of audiovisual content.

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**EVIDENCE APPENDIX FOR
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NONE

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**RELATED PROCEEDINGS APPENDIX FOR
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NONE